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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/902,185

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Yasser alSafadi

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EXAMINER

USTARIS, JOSEPH G

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 03/24/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/902,185

Applicant(s)

ALSAFADI ET AL.

Examiner

Joseph G Ustaris

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is in response to the amendment dated 7 January 2004 in application 09/902,185.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 11-14, and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Humpleman et al. (US006243707B1).

Regarding claim 1, Humpleman et al. discloses a method where a home HTML network program guide or “electronic program guide (EPG) of a first type” is produced from an original generic EPG or “content-related information” (See column 22 lines 57-60). The home HTML network program guide is built or “processed” based on a standard program format incorporating HTML standards or “reference information model”, where information from the original generic EPG is extracted and converted or “configuring” into the HTML standard program format. Thus the end result of the process is a HTML network program guide (See column 22 line 66 – column 23 line 5).

Regarding claim 11 and 12, the HTML network program guide is updated (thus producing a "subsequent version") based on the newly updated original generic EPG or "second set of data specifications". This process or "iterative process" (where the process performs the same steps each time to update the HTML network program guide) is repeated periodically (See column 23 lines 7-11).

Regarding claim 13, the HTML network program guide receives its information from a original generic EPG or "content-related information", where the original format of the original generic EPG is not complaint to the HTML standard program format or "reference information model", therefore the generic EPG is converted or "transforming" into a HTML standard program format (See column 22 line 66 – column 23 line 5).

Claim 14 contains the limitations of claim 13 and is analyzed as previously discussed with respect to that claim. Furthermore, the HTML network program guide can use the original generic EPG or "content- related information in the first format", even if it is not in the HTML standard program format or "reference information model" (See column 23 lines 12-17). Alternatively, the HTML network program guide or "electronic program guide of the first type" can use the information converted into the HTML standard program format or "second format" (See column 23 lines 4-5).

Claim 16 contains the limitations of claim 1 (wherein the method could be performed by a home device or "processing device") and is analyzed as previously discussed with respect to that claim (See Fig. 1 element 104). Furthermore, the home device or "processing device" produces a HTML network program guide or

"corresponding output" that is sent to a client or Digital Television (DTV) (See Fig 1. element 102 and 104).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 4, 5-7, 9, 10, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman et al. in view of (US006243707B1) in view of Knowles et al. (US006505348B1).

Regarding claim 2, Humpleman et al. discloses a method where a home HTML network program guide or "electronic program guide (EPG) of a first type" is produced from an original generic EPG or "content-related information" (See column 22 lines 57-60). The home HTML network program guide is built or "processed" based on a standard program format incorporating HTML standards or "reference information model", where information from the original generic EPG is extracted and converted or "configuring" into the HTML standard program format. Thus the end result of the process is a HTML network program guide (See column 22 line 66 – column 23 line 5). However, Humpleman et al. lacks a method where one or more different HTML network program guides or "electronic program guide of a second type" are produced.

Knowles et al. discloses a method where multiple interactive program guides (IPG) or a "second electronic program guide of a second type different that the first type" are produced and delivered to different users respectively. The different IPGs share a common database or original generic EPG or "content-related information" and build the different IPGs based on the user's preferences with the information received from the common database (See column 5 lines 45-51; column 7 lines 34-41).

Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the method of producing a HTML network program guide disclosed by Humpleman et al. to produce one or more different HTML network program guides or "electronic program guide of a second type", as taught by Knowles et al., in order to expand the capabilities of the HTML network program guide by providing service to several different users or TV receivers.

Regarding claim 4, Knowles et al. further discloses guide customizations or HTML standard program format or "reference information model" where the format of the IPG can be changed. The IPG contains information on pay-per-view (PPV) and different Themes of programming or "plurality of classes of information" (See Fig. 9). Furthermore, the PPV and Theme gives a list of times or "attributes" for the programs available (See Fig. 10 and column 5 lines 61-63).

Regarding claim 5, based on the guide customizations discussed in claim 4, the format of the IPG can provide additional information or "plurality of elements" such as movies or "class elements" and a list of episodes or "enumeration elements". Furthermore, the list of episodes or "enumeration elements" is associated with the

movies or "class elements", while the movies are also "associated" with other types of programs such as sports or "class element" (See Fig. 9 and Fig. 10).

Claim 6 contains the limitations of claim 5 (wherein the movies provide different programs or "program class element" or a list of movies or "remaining class elements", (See Fig. 10)) and is analyzed as previously discussed with respect to that claim.

Regarding claim 7, the IPG disclosed by Knowles et al. further presents the Themes or "classes" as objects that can be seen from a screen, wherein some of the objects are listed or "oriented" in alphabetic order. Furthermore, the Themes or "classes" contain additional information such as channel numbers or "attributes". The whole screen of the IPG contains different information elements or "structures" that enable the user to browse efficiently (See Fig. 10).

Regarding claim 9, the multiple IPGs or HTML network program guides or "electronic program guide of the first type", taught by Knowles et al., each could have their own configuration based on the guide customizations or "reference information model" thus producing different layouts or "schema" for each IPG (See column 7 lines 34-45), with the information being retrieved from the original generic EPG or "content-related information" as discussed in claim 1.

Claim 10 contains the limitations of claim 9 (wherein the multiple IPGs or HTML network program guides or "electronic program guide of the first type and ... of a second type" all could have their own different layouts or "plurality of different schema") and is analyzed as previously discussed with respect to that claim.

Claim 17 contains the limitations of claim 1 and is analyzed as previously discussed with respect to that claim. Furthermore, Humpleman et al. discloses that the method discussed in claim 1 can be embodied as a satellite receiving terminal labeled as DSS-NIU or "processor apparatus" (See Fig. 1 element 104). In addition, the DSS-NIU or home device can maintain its own respective program guide; therefore inherently the DSS-NIU or home device has a "memory" associated with it (See column 23 lines 41-49).

Claim 18 contains the limitations of claim 1 and is analyzed as previously discussed with respect to that claim. Furthermore, Humpleman et al. also discloses that the method discussed in claim 1 can be received or "implement" by a Digital TV, personal computer (PC) or client or "processor apparatus" (See Fig. 1 element 102; column 23 lines 5-8). In addition, it is known that a PC inherently utilizes some type of "memory".

Claims 3 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman et al. (US006243707B1) in view of Kido (US 20020073081A1).

Regarding claim 3, Humpleman et al. discloses a method where a home HTML network program guide or "electronic program guide (EPG) of a first type" is produced from an original generic EPG or "content-related information" (See column 22 lines 57-60). The home HTML network program guide is built or "processed" based on a standard program format incorporating HTML standards or "reference information model", where information from the original generic EPG is extracted and converted or

"configuring" into the HTML standard program format. Thus the end result of the process is a HTML network program guide (See column 22 line 66 – column 23 line 5). However, Humpleman et al. lacks a method where the generic EPG or "content-related information" is in an extensible mark-up language (XML).

Kido discloses a method where an EPG is generated and distributed to the client (See Fig. 8). The generated EPG or original generic EPG or "content-related information" is produced using HTML or XML (See paragraph 0138). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the original generic EPG disclosed by Humpleman et al. to be in an extensible mark-up language, as taught by Kido, so that the original generic EPG would be in accordance with a well known and established language thereby ensuring greater compatibility between the devices.

Regarding claim 15, the process of generating an EPG using XML, as taught by Kido, may be also applied in the conversion or "transforming" step discussed in claim 13 in order to continue the use of a well known and established language, thereby further ensuring greater compatibility.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman et al. (US006243707B1).

Official Notice is taken that it is well known to embody formatting instructions in a unified modeling language format (UML). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to embody the standard

program format or "reference information model" previously discussed in claim 1, which is disclosed by Humpleman et al., as unified modeling language format (UML) in order to be in accordance with a well known and industry-standardized modeling language thereby ensuring greater compatibility and offering the capability of using object oriented programming.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman et al. (US006243707B1).

Official Notice is taken that it is well known to embody instructions in software for computer control. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to embody the method previously discussed in claim 1, which is disclosed by Humpleman et al., as instructions in software in order to automate the hardware process within any computer-based machine.

Response to Arguments

4. Applicant's arguments filed 7 January 2004 have been fully considered but they are not persuasive.

Applicant argues that Humpleman processes the HTML program guide using the home devices and not by an electronic program guide. However, Humpleman discloses that each browser based home device contains a session manager that performs the functions of an electronic program guide. The session manager within the DTV gives the user access the home devices to get more information, such as the HTML network

program guide. The session manger then processes the HTML file to be displayed by the browser based home device. The session manager is also responsible for other operations as well (See Fig. 10 and column 6 lines 55-60, column 9 lines 35-55, column 17 lines 35-45, and column 18 lines 60-67).

Applicant is reminded that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Therefore, respectfully, Humpleman meets all the limitations of independent claims 1 and 16.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Ustaris whose telephone number is (703) 305-0377. The examiner can normally be reached on Monday-Friday with alternate Fridays off from 7:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380. The fax phone number for this Group is (703) 308-5359.

Any inquiry of general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (703) 305-4700.

JGU
March 9, 2004



VIVEK SRIVASTAVA
PRIMARY EXAMINER